



November 28, 2012

VIA ECFS

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation -
In the Matter of Expanding the Economic and Innovation Opportunities
Of Spectrum Through Incentive Auctions
Docket No. 12-268**

Dear Ms. Dortch:

This letter is to summarize the November 28, 2012 *ex parte* presentation given by KRBK, LLC, the licensee of KRBK(TV), Osage Beach, Missouri. The purpose of the meeting was to request that the Commission grant KRBK(TV) interference protection for its Distributed Transmission System ("DTS") facility, in connection with Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Spectrum Act") and the *Notice of Proposed Rulemaking* in the above-captioned proceeding. In attendance at the meeting were Robert Koplar, General Counsel of KRBK, LLC, David O'Connor, outside counsel to KRBK, LLC, Gary Epstein, Senior Advisor to Chairman Genachowski and Head of the Commission's Incentive Auction Task Force, Barbara Kreisman, Chief, Video Division, Media Bureau, Kevin Harding, Video Division, Media Bureau, Edward Smith, Incentive Auction Task Force, Alan Stillwell, Office of Engineering & Technology, and Robert Weller, Office of Engineering & Technology.

During the meeting, KRBK noted its unique circumstances as a DTS television station that was in the midst of finalizing its DTS build-out when the Spectrum Act was signed into law on February 22, 2012. Importantly, prior to that benchmark date, KRBK had received and was operating pursuant to a Special Temporary Authority ("STA") that authorized operation of DTS facilities that were equivalent to the facilities for which KRBK is now licensed.¹ Accordingly, KRBK submitted that in any repacking of broadcast spectrum, KRBK's licensed DTS facilities should be preserved in terms of coverage area and population served. KRBK noted that it is aware of no similar situation in the country in which a DTS facility was permitted to operate

¹ See File No. BLSTA-20110927AHQ (granted Oct. 6, 2011).

with STA facilities prior to February 22, 2012 and was subsequently issued a license for equivalent facilities.

The attached PowerPoint presentation was distributed to participants during the meeting and is hereby incorporated by reference.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), a copy of this *ex parte* notice is being filed electronically, and a copy is being provided to each Commission participant in the meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert Koplar", with a stylized flourish extending from the end.

Robert Koplar
General Counsel

Enclosure

Cc (via e-mail): Participants



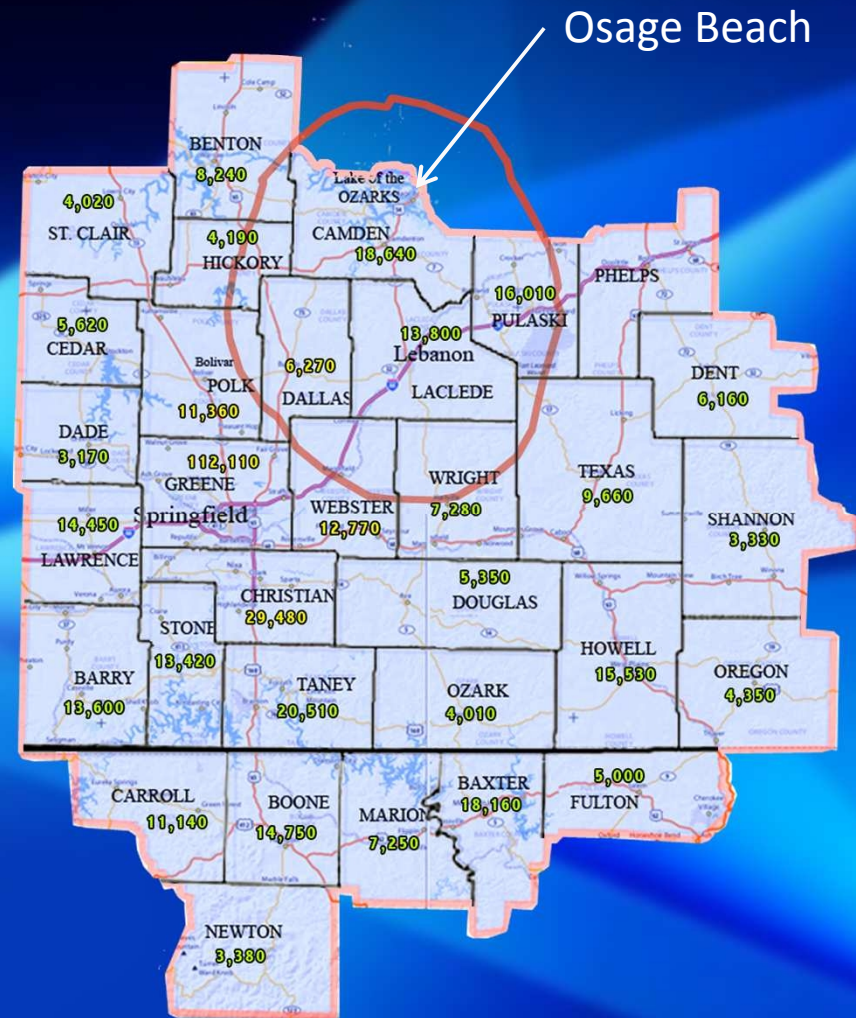
Osage Beach, Missouri

Company Background

- KRBK is a full-power commercial television station licensed to Osage Beach, Missouri, which lies in the Springfield, MO DMA (Market #74).
- KRBK is owned and operated by KRBK, LLC, a family-owned single station owner based in St. Louis, Missouri.

Company Background

- In August 2009, KRBK began transmitting from a single antenna located in Eldridge, MO, covering the Osage Beach Community and outlying areas.



Company Background

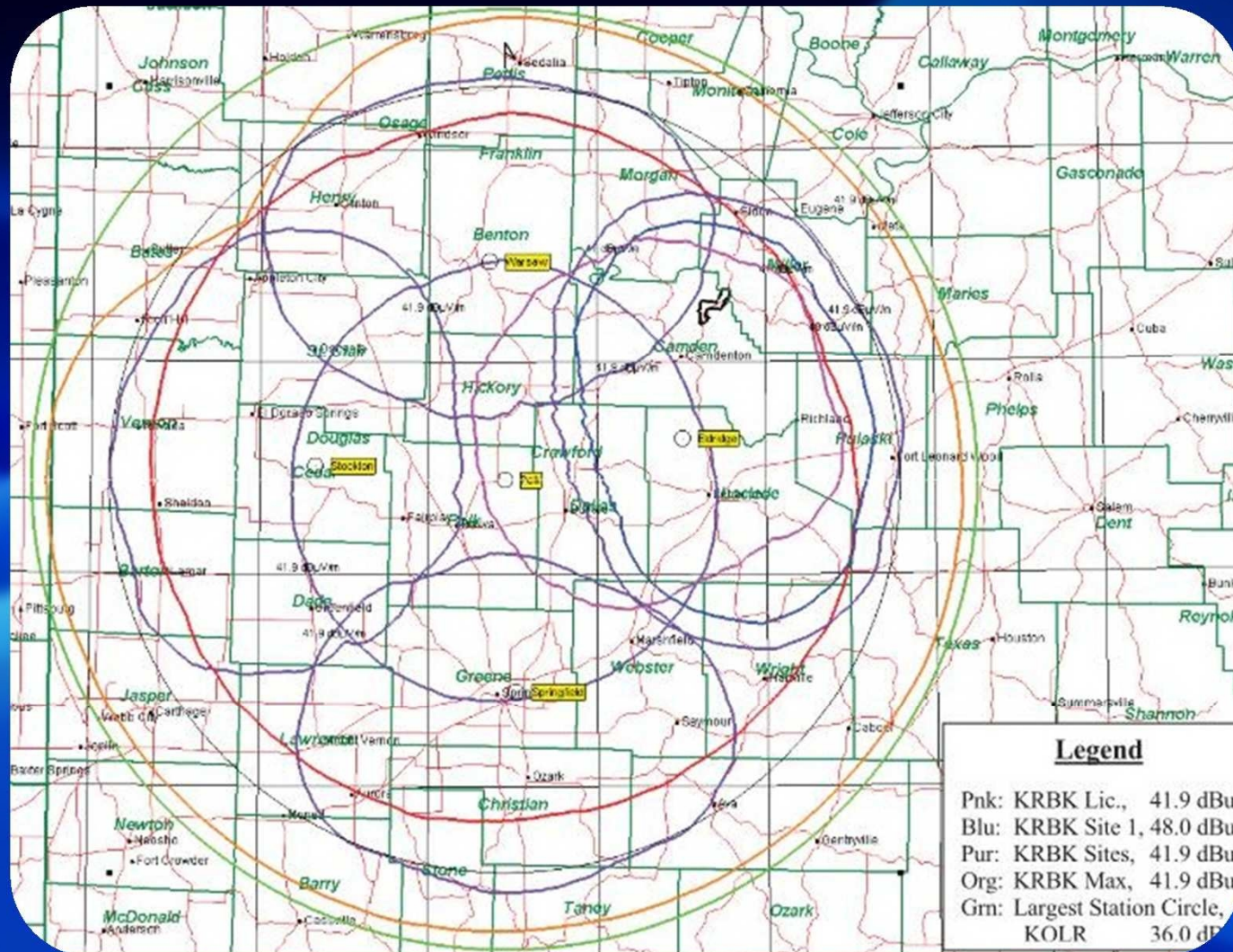
- On June 8, 2011, KRBK signed an affiliation agreement with Fox Broadcasting Company effective September 1, 2011, making KRBK the exclusive provider of FOX programming in the Springfield DMA.



Distributed Transmission System

- Looking to expand its footprint, KRBK filed an application for Distributed Transmission System (DTS) facilities on August 25, 2011, which was granted on September 2, 2011.
- Using a network of 5 transmitters, with Polk, MO as a reference point, KRBK would cover as far south as Springfield, while maintaining its coverage of Osage Beach.
- All 5 transmitters would be synchronized to prevent interference with one another.

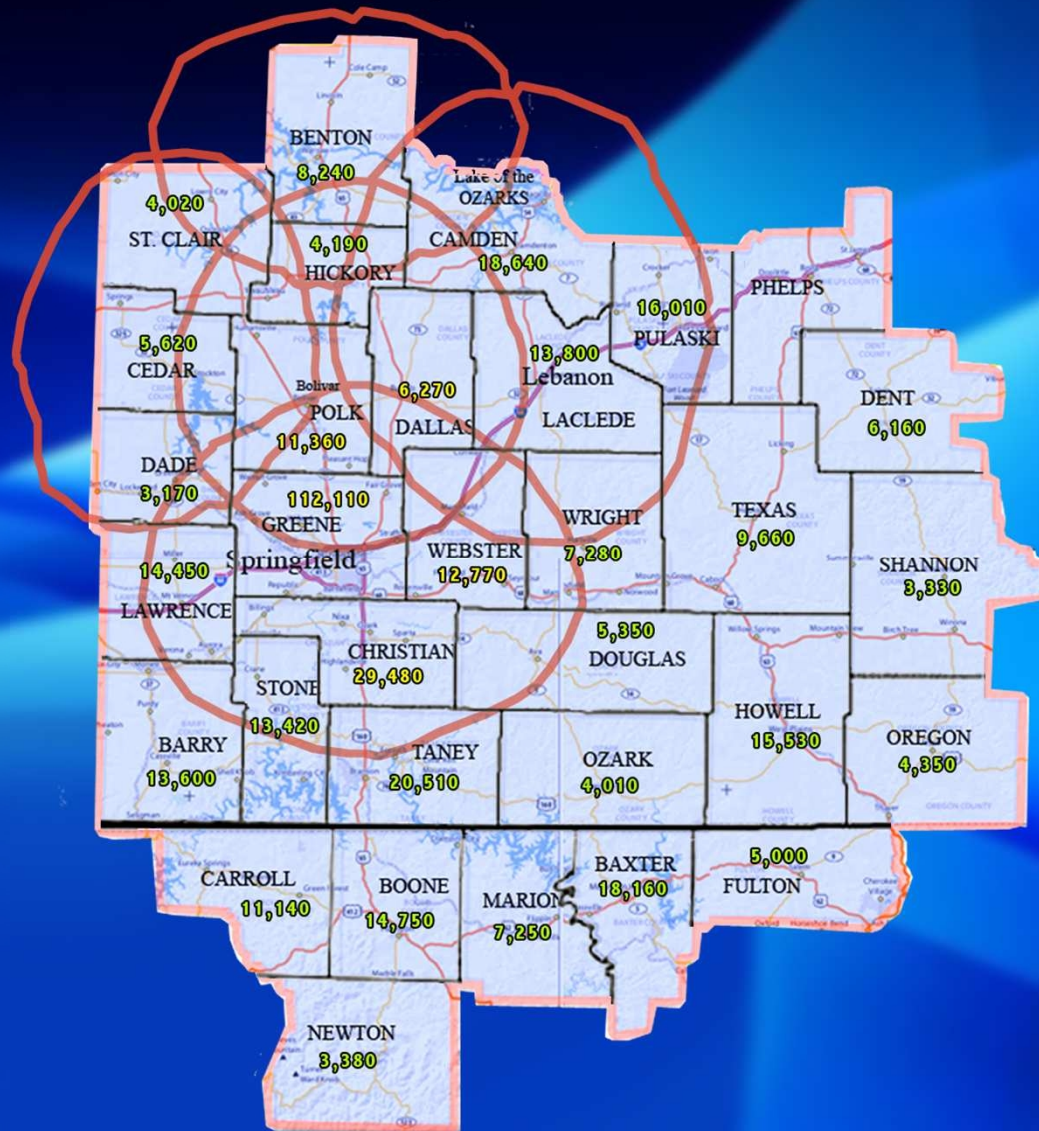
Distributed Transmission System



KRBK STA and License

- STA was granted by the Commission on October 6, 2011.
- The STA allowed KRBK to sequentially sign on up to 5 DTS sites while maintaining coverage to its community of license.
- KRBK was able to sign on the air 4 of 5 DTS sites before February 22, 2012. The 5th was signed on March 12, 2012, synchronization was completed, and application for license was filed.
- STA authorized operations with the same facilities that were ultimately licensed with the same parameters.
- Because STA authorized the same facilities as the license, obtaining the license was a ministerial matter.
- Due to the way the STA was written in this case, it should be treated as a license for purposes of the Spectrum Act.

Distributed Transmission System



Distributed Transmission System

- With KRBK's previous facilities, the station reached approximately 123,000 persons.
- With KRBK's new facilities, the station reaches approximately 595,000 persons.
- This allows KRBK to serve a far greater number of households with vital public services, including emergency weather information and local programming that focuses on the needs of the community.



KRBK Should be Granted Full Protection

- KRBK notes the Commission's priority to maintain free, over the air DTV stations, and its stated goal of minimizing interference to stations on the air as of the Notice date of February 22, 2012.
- KRBK had constructed and was operating under STA with substantially completed facilities before February 22, 2012, and a license was shortly thereafter granted for these exact same facilities.
- NPRM does not discuss STAs but the STA granted to KRBK should be the type of facility that is granted protection under the Spectrum Act.

KRBK Should be Granted Full Protection

“Although section 6403(b)(2) mandates preservation only of certain licensed facilities, we do not interpret it to prohibit the Commission from granting protection to additional facilities where appropriate.”

- FCC 12-118, Paragraph 113

KRBK Should be Granted Full Protection

- KRBK invested \$1.7 million in its DTS facilities in reliance upon the construction permit granted by the Commission, and could not have had knowledge of the impending Spectrum Act.
- The public interest was served by expeditiously bringing an additional free, over the air DTV station to tens of thousands of households, which have come to rely upon KRBK's programming.
- Including KRBK's DTS facilities in the list of stations receiving interference protection comports with the intent of the Commission's auction goals and serves the public interest. We know of no similar situation where a DTS station was operating under similar circumstances.
- Due to the unique and highly specific circumstances surrounding KRBK, it is appropriate for the Commission to grant KRBK protection to its current DTS facilities.

Thank You!

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